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NORTH CAROLINA OFFICE OF ADMINISTRATIVE HEARINGS

REPORT OF SETTLEMENT CONFERENCE

2015 JAN 23 AM 10:52

Date: 1-28-2015

CASE NAME: Hershner v NC DDA FILE NO. 14 DSP D8200

SETTLEMENT JUDGE: Morris PRESIDING JUDGE: Burger

PARTIES PRESENT: Millie Hershner, John Bryant, atty;
Ann Stone, as DDA; Bill Barber & Don Tackett

The outcome of this settlement conference was:

☒ Successful

☐ Unsuccessful

- ☒ Parties have agreed to the settlement of this case on the terms and conditions listed below which represent the full and final agreement of the parties; this document constitutes a voluntary dismissal with prejudice (upon completed execution of all signatures) unless otherwise stated, INCLUDING ALL ACTIONS OR CLAIMS THAT COULD OR MIGHT HAVE ARISEN FROM THE PETITIONER'S DISCHARGE FROM ANY STATE EMPLOYMENT.
- ☐ Parties have agreed to the settlement of this case on terms and conditions set forth in a document which is not a part of the record; this document constitutes a voluntary dismissal with prejudice (upon completed execution of all signatures) unless otherwise stated.

☐ Parties did not reach full and final settlement but have agreed to stipulate to the following which is set out below:

☐ Parties agree to file a Prehearing Order which will include stipulations of fact; the Order shall be filed at or before the call of the case.

① Parties agree that DDA will pay Petitioner \$4,000 additional, making a total of \$403,794.38 paid, from which total John Bryant will retain \$146,156.20 as attorney fees, and Petitioner will receive \$257,638.18.

② DDA will withdraw its PDR before the NC Supreme Court and its Motion to Enforce Settlement Agreement in Wake Superior Court.

③ DDA will assist Petitioner in submitting her retirement papers to the TSERS, to be effective July 1, 2014 if possible.

Petitioner

Attorney for Petitioner

Respondent

Attorney for Respondent

Intervenor (if applicable)

Attorney for Intervenor (if applicable) Resp.

Inasmuch as this matter has been resolved by the parties, this contested case is SETTLED.

January 28, 2015

Date

Fred L. Morrison

Administrative Law Judge